

DEC 28 2007

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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

MARIA ANTONIA BARRERA; SAUL
JACINTO,

Petitioners,

v.

MICHAEL B. MUKASEY, Attorney
General,

Respondent.

No. 06-74670

Agency Nos. A79-519-325
A79-519-326

MEMORANDUM*

On Petition for Review of an Order of the
Board of Immigration Appeals

Submitted December 20, 2007**

Before: GOODWIN, WALLACE, and HAWKINS, Circuit Judges.

Maria Antonia Barrera and Saul Jacinto, natives and citizens of Mexico,
petition for review of the Board of Immigration Appeals' ("BIA") order denying
their motion to reopen removal proceedings. We have jurisdiction pursuant to 8

* This disposition is not appropriate for publication and is not precedent
except as provided by 9th Cir. R. 36-3.

** The panel unanimously finds this case suitable for decision without
oral argument. *See* Fed. R. App. P. 34(a)(2).

U.S.C. § 1252. We review for abuse of discretion the denial of a motion to reopen, *Iturribarria v. INS*, 321 F.3d 889, 894 (9th Cir. 2003), and we deny the petition for review.

The BIA provided a sufficiently reasoned basis for its decision and did not abuse its discretion by denying petitioners' motion to reopen, where the BIA considered the psychological report and country conditions evidence and acted within its broad discretion in determining that the evidence was insufficient to warrant reopening. *See Franco-Rosendo v. Gonzales*, 454 F.3d 965, 966-67 (9th Cir. 2006); *see also Singh v. INS*, 295 F.3d 1037, 1039 (9th Cir. 2002) (BIA's denial of a motion to reopen shall be reversed only if it is "arbitrary, irrational or contrary to law").

To the extent petitioners contend that the BIA failed to consider some or all of the evidence they submitted with the motion to reopen, they have not overcome the presumption that the BIA did review the record. *See Fernandez v. Gonzales*, 439 F.3d 592, 603 (9th Cir. 2006).

Petitioners' contentions regarding voluntary departure are unpersuasive.

PETITION FOR REVIEW DENIED.